

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DATASCI, LLC

*

Plaintiff

*

vs.

* CIVIL ACTION NO. MJG-09-1611

MEDIDATA SOLUTIONS, INC.

*

Defendant

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* * * * *

MEMORANDUM AND ORDER

The Court has before it Defendant's Motion for Leave to File Motion for Partial Summary Judgment [Document 163] and the materials submitted relating thereto. The Court finds that neither a response nor a hearing is necessary.

There appears to have been a misunderstanding of the discussion in the telephone conference with counsel held Thursday, July 12, 2010.

There was a discussion of the possibility that Defendant might wish to file a motion seeking to sever certain issues for trial separate from the claims based upon alleged infringement. In particular, Defendant asserted that, even if its Rage product did infringe, the agreement at issue would provide a defense to any claim based thereon. Of course, Plaintiff disagrees.

In any event, Defendant has not filed a motion seeking severance. Instead, Defendant has filed the instant motion

seeking leave to file a motion for partial summary judgment. However, as set forth in the instant motion, the time for filing any summary judgment motion has not expired and, indeed, the deadline is not imminent. Thus, the Defendant - and the Plaintiff for that matter - does not need permission to file any motion for summary judgment or partial summary judgment.

Thus, at this time, either side to the case may file any summary judgment motion. The Court suggests, however, that any such motion be filed only after a realistic appraisal of the existence vel non of genuine issues of material fact.

For the foregoing reasons:

1. Defendant's Motion for Leave to File Motion for Partial Summary Judgment [Document 163] is DENIED AS MOOT.
2. Nothing prevents either party to the case from filing a summary judgment motion that is consistent with counsel's obligations under Rule 11 of the Federal Rules of Civil Procedure.

SO ORDERED, on Tuesday, July 20, 2010.

/s/

Marvin J. Garbis
United States District Judge